

C. A. STATEN

1 (Whereupon, an off-the-record discussion was
2 held.)

3 Q. Who is your CO?

4 A. Commanding officer is Inspector --
5 Deputy Inspector Hart, H-A-R-T.

6 Q. How long has Sergeant O'Keefe been your
7 direct supervisor?

8 A. Approximately, a year.

9 Q. Who was your direct supervisor prior to
10 Sergeant O'Keefe?

11 A. Sergeant Ross, R-O-S-S.

12 Q. How long was he your supervisor?

13 A. Wow. Maybe nine months.

14 Q. Who was it before that?

15 A. I don't recall.

16 Q. Have you ever been disciplined by the NYPD?

17 A. I have.

18 Q. When was the first time you were disciplined?

19 A. I don't remember. That was in the nineties.

20 Q. Were you served with charges and specifications?

21 A. I believe so. Yes, I was.

22 Q. What were the charges?

23 A. I don't -- I don't remember exactly what
24 they read, what the actual charges were.

25 Q. What was the outcome of the charges?

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1 A. I forfeited vacation days.

2 Q. So, was that part of a negotiated settlement?

3 A. Basically -- yes. Yes.

4 Q. How many vacation days did you forfeit?

5 A. I don't recall.

6 Q. As part of that settlement, did you admit guilt
7 on the charges?

8 A. I don't recall. I don't recall, because I was
9 never on trial. I don't recall that.

10 Q. You said that was sometime in the nineties?

11 A. Yes, it was in the nineties. So, it was
12 well over twenty years ago.

13 Q. I know you said you don't remember what the
14 charges read, but do you remember what the conduct was
15 that was part of the charges or what the subject matter was
16 or anything?

17 A. I don't -- I don't -- I don't want to guess
18 because I don't remember.

19 Q. Sure.

20 After that, when was the next time you were
21 disciplined?

22 A. I don't remember the actual date -- but when
23 my locker was entered -- approximately, 2007.

24 Q. Were you served with charges?

25 A. I was.

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1 Q. What were the charges?

2 A. Failure to secure my locker.

3 Q. What was the outcome of those charges?

4 A. I -- it was that in conjunction with other
5 charges combined.

6 Failure -- failure to secure my locker --
7 I don't remember what the other ones read. But I
8 sacrificed thirty-five vacation days.

9 Q. So, let me just back up a little bit.

10 The charges for the locker, you didn't have
11 a trial on those, right?

12 A. No.

13 Q. Then it sounded like you negotiated them
14 as part of a settlement for other charges as well; is
15 that --

16 A. Right.

17 Q. -- correct?

18 A. Right.

19 Because in -- in conjunction with that, when my
20 locker was entered -- my locker was entered, summonses
21 were removed from my locker.

22 Q. What did that have to do with other disciplinary
23 charges?

24 A. The P -- the PBA delegate admitted to forcing
25 into my locker to remove the summonses. He denied removing

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1 the summonses. He said, he looked at them. But the
2 summonses were removed.

3 Q. So, what were the other charges that you had
4 that you said that you settled?

5 A. Being late for AAB, which is Traffic Court.

6 Q. When did you receive the charges for being late
7 for Traffic Court?

8 A. All -- all of them were around the same
9 time frame. 2007, 2008. Around that time, that era.

10 Q. Were those the only two sets of charges --

11 A. It was more charges too.

12 My oldest son, Claude, Junior, had called my
13 house. I wasn't home, initially, when he had called.
14 He was on the phone with my wife. And I later arrived.
15 And I was -- this is on my scheduled days off. I later
16 arrived sometime after -- whether he was still on the
17 phone.

18 He was cursing and irate. When they gave me the
19 phone, he's cursing, and threatening myself, and stating
20 that I were to have no contact with the mother of his
21 child.

22 Q. When did that happen?

23 A. About the same time -- same time frame.

24 Q. Is that --

25 A. 2007, '08.

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1 Q. Why did that result in departmental charges?

2 A. The department -- well, the next day, what
3 happened was -- because I took it as just a -- a -- a
4 misunderstanding between my child and myself. I didn't
5 think it was necessary to notify the department. It was
6 just verbal.

7 What wind up happening, he apparently called
8 the precinct the next day and stated that I called and
9 threatened him.

10 I was alerted and called by the desk officer and
11 informed -- you know, they asked me, did I have a problem
12 with my son.

13 I said, my son called me last night and made
14 threats to me.

15 They says, well, what you have to do, you have to
16 go to the local police and file a report against him.

17 I says, I don't want to have an open complaint
18 against him just for a verbal, you know, misunderstanding.

19 I was ordered to do it. It wasn't an option of
20 mine. I was ordered. So, as I was ordered to do it,
21 I followed my orders.

22 I was given charges for failing to notify
23 Operation as a result. Operations -- Department --
24 New York City Operations Unit.

25 Q. So, those three incidents that you just

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1 described, all three resulted in you being served with
2 departmental charges; is --

3 A. Correct.

4 Q. -- that correct?

5 A. Right.

6 Q. Then you said you settled those all together
7 at one --

8 A. Combined.

9 Q. -- time?

10 A. Right.

11 Q. What was the --

12 A. Oh, there was another set of charges too,
13 as I'm thinking about it now that --

14 Q. Okay.

15 A. -- discussing it.

16 When my father had passed -- 2005, he passed --
17 it was an incident that occurred in my house in,
18 approximately, 2006, whereas his -- his guns, that were
19 part of his employment prior to him retiring, was in my
20 care to be safeguarded.

21 Those guns were put -- my father within ten days
22 -- the guns were not put on my force-record card -- which
23 is also known as a ten-card for the department -- within
24 ten days of his death, as the -- as the department
25 guidelines. As a result, I was disciplined.

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1 settled --

2 A. Right.

3 Q. -- correct?

4 A. Right.

5 Q. Have you ever received a reprimand for
6 excessive sick days?

7 A. A reprimand. Well, I've been on -- yes, I --
8 it guess it's a reprimand. What do you call it?

9 A Schedule A? That's considered a reprimand.

10 Q. Have you ever been designated as chronic-sick?

11 A. Yes. That's a Schedule-A-chronic. That's the
12 same.

13 Q. What does that mean?

14 A. You appear -- you -- you're sick more than
15 four times within a twelve-month period. Or you lose
16 forty or more working days, I believe.

17 Q. How many times have you been designated
18 chronic-sick?

19 A. In my career? I don't remember.

20 Q. More than once?

21 A. Yes.

22 Q. More than five times?

23 A. I don't know.

24 Q. Is there any penalty for being designated
25 chronic-sick?

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1 they never got held up. They were promoted without fail
2 and -- or delay.

3 Q. Who are those officers?

4 A. Officer Wheeler. Officer Wheeler.

5 Q. What is his first name?

6 A. I don't remember his first name, offhand.

7 Q. What is his race?

8 A. Male Caucasian.

9 Q. (Perusing document.)

10 A. And another officer that was on the previous list
11 along with me, Officer Aboomalla (phonetic). He was
12 arrested as well. They --

13 Q. How do you spell that?

14 A. I don't know how to spell his name.

15 Q. It starts with an A or an O?

16 A. An A.

17 He's Albanian. I don't know how to spell his
18 name.

19 Q. You said he's Albanian.

20 A. I think so.

21 Q. Is he White?

22 A. Yes, he's -- I guess he would be considered
23 Caucasian, I would assume. He -- he -- he's -- he looks
24 White in appearance, I'll put it that way. Whether he
25 considers himself as such, I don't know.

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1 Q. Any other officers?

2 A. Well, those two in the command on the same
3 previous list as myself. Both of them were arrested.
4 Neither one of them got delayed with their promotion.

5 Q. Officer Wheeler, what was he arrested for?

6 A. To my understanding, driving while intoxicated.

7 Q. Do you know when that was?

8 A. I don't know what year.

9 Q. When you say promoted, to what rank was he
10 promoted?

11 A. Sergeant.

12 Q. Do you know when he was promoted?

13 A. On the previous list. So, I guess, 2011.

14 Q. Do you know whether or not he was on
15 disciplinary monitoring?

16 A. I don't know. I would have to guess so.
17 If you're arrested, I would guess that's the criteria,
18 I would guess.

19 Q. But you don't know whether or not he was?

20 A. I don't know for certain, no.

21 Q. Do you know whether or not he had to appear
22 before the CARB before he got promoted?

23 A. He did.

24 Q. He did?

25 A. He did appear.

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1 Q. Do you know when that happened?

2 A. I'm not sure of the year either.

3 Q. When was he promoted?

4 A. 2011, as well, if not 2010. He was in the
5 first group. He was never held up either.

6 Q. He was promoted to sergeant?

7 A. Yes, he was.

8 Q. You said you don't know whether or not he was
9 on disciplinary monitoring. But do you know whether or not
10 he had to appear before the CARB before he got promoted?

11 A. I don't believe he had to appear at all.

12 Q. (Perusing document.)

13 A. Okay. I know Wheeler's first name now. Steve.

14 As I get older now -- I thought I used to forget,
15 but I think my filing cabinets are just full.

16 Q. Sure.

17 A. Steve Wheeler.

18 Q. (Perusing document.)

19 A. Like, a car in the winter, it takes time to
20 warm up.

21 Q. (Perusing document.)

22 There's an officer in your Complaint in this
23 case, Kevin Cavanaugh (phonetic)? Do you know who that is?

24 A. In my Complaint?

25 Q. Yes.

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1 A. No, I don't know who he is.

2 Q. Have you ever heard of Kevin Cavanaugh?

3 A. Well, if it's in the Complaint, then I read it.
4 I just don't know he is.

5 Q. But do you recall, as you sit here today, who
6 that person is?

7 A. Well, if it's in my Complaint, then I've read it.
8 I don't know who he is, per se. But I've read it. So.

9 Q. Do you know why it's in your Complaint
10 if you don't know who he is?

11 A. Well, I don't know who he is, like, as I know
12 who you are.

13 Q. Right.

14 A. But I -- he -- his comparison to what he's done
15 and he was promoted without fail. And -- you know.

16 Q. So, you've heard of him?

17 A. Right. No. Sure, sure sure.

18 Q. Oh, okay.

19 Who is Kevin Cavanaugh?

20 A. He -- he's a member of the NYPD that was promoted
21 to the rank of sergeant.

22 Q. When was he promoted?

23 A. Oh, I don't know, offhand. I don't know,
24 offhand.

25 Q. Do you know his race?

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1 A. Male Caucasian, I believe -- that's what the
2 Complaint states.

3 Q. But do you know whether that's his race or not?

4 A. Well, if -- I -- I don't know him. I've never
5 seen him before. I just know what it states in the
6 Complaint.

7 Q. Well, I understand that.

8 But the Complaint contains information that came
9 from you. So, when did you first learn about
10 Kevin Cavanaugh?

11 A. Well, through the attorney that I had at the
12 time. That wasn't my personal knowledge.

13 Q. What about Steven Wheeler?

14 A. Him I --

15 Q. Did you ever --

16 A. -- know personally. He worked in the
17 46th Precinct with me.

18 Q. So, you knew about him and his promotion before
19 you filed this case --

20 A. Absolutely.

21 Q. -- right?

22 A. Absolutely.

23 Q. But Kevin Cavanaugh, you'd never heard of before
24 you filed this case?

25 A. No.

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1 Q. Do you know if Cavanaugh was on disciplinary
2 monitoring before he was promoted?

3 A. I don't know.

4 Q. Do you know whether or not he had to appear
5 before the CARB before he was promoted?

6 A. I'm not certain.

7 Q. Let's go back. We were talking about
8 Inspector Harrington and then Captain McHugh.

9 Do you have any reason to believe that they
10 placed you on monitoring because of your race?

11 A. Well, I have reason to believe that their
12 intention was to hurt me.

13 So, if -- whether it's my race, whether it's the
14 car I drive, whether it's the way I dress, whether it's
15 where I live, whether it's what I own, what the bias is,
16 I can't say for certain. But it's definitely bias. And --
17 for whatever the reason is, it's not anything that I
18 deserved.

19 So, it was done bias. And the -- the intension
20 was to hurt me to prevent me from advancing.

21 Q. So, what makes you believe that?

22 A. Well, one of the incidents that makes me believe
23 that, it was a time that both myself -- he's now inspector
24 -- but then Captain McHugh -- he called me in. He was
25 speaking to me. He asked me, why do I feel -- his exact

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1 I says, yes, you went before Chief Patel and got
2 chewed out trying to go to bat for me. So, I understand
3 you went before him, but you wasn't going to bat for me.
4 I explained to him about the forged DIR and the original
5 one.

6 Captain McHugh explained to me that he was, also,
7 an attorney.

8 I says, well, that's very good. I says,
9 my father was, also, an attorney and practiced law prior to
10 him passing.

11 Because what happens -- I'll clarify.

12 I have my biological father and I have my
13 stepfather. My stepfather, which is the same name, Staten,
14 he's my stepfather. He raised me from -- from infancy.
15 My biological father was an attorney. Both of them had a
16 -- a -- have affected my life, of me being raised.

17 In my complaint, it says I'm Afro-American.
18 I'm not. I'm Black-Hispanic. I'm Panamanian. I speak
19 Spanish. I'm Hispanic. But that's neither here nor there.
20 The fact that -- statement -- that doesn't matter.

21 What winds up happening is, I explained to
22 Captain McHugh that my father's an attorney.

23 I says -- and -- as I'm in law enforcement,
24 as well as you, do you know what the penalty is for perjury
25 and forgery? You forged an official document.

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1 The fact that he passed it off with intent to
2 hurt me -- he enacted that forged document -- as well as
3 making an attempt to remove my kids.

4 The forged document was given to Child Services.
5 When Child Services came to my house to investigate the
6 complaint, they had the forged document as well.

7 So, this is why I say, and this is why I believe,
8 the intent was to hurt me. They were looking to destroy
9 me. They were looking to remove my kids. They were
10 looking to take my freedom, my job, and -- as well as later
11 on, stop my career advancement.

12 This is bias. Now, what the bias may be, whether
13 it's my race, whether it's my creed, whether it's the house
14 I'm living in, whether it's the way I dress, it's different
15 ways of being biased.

16 What the exact bias is? I can only fathom and
17 guess. But I know that it's bias.

18 And criminal acts, felonies, were committed to
19 hurt me. That's criminal. They violated -- violated
20 my civil rights, my Constitutional right, as well as
21 breaking penal codes to hurt me unjustly. I've done
22 nothing to deserve what was done to me.

23 As a result, this has not only hurt me. It's
24 disturbed, whereas -- even still as I speak, I get
25 emotional.

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1 A. I don't know.

2 Q. Do you know any other Black or African-American
3 officers who appeared before the CARB the way you described
4 it? We'll talk about that some more later. But the way
5 you described, that you had to appear before them,
6 do you know any other officers who have?

7 A. Not to my knowledge. And all the times I
8 appeared, it was no Black officers present with me.
9 Hispanic or -- no black officers were present with me.

10 Q. You testified earlier about Officer Manning
11 using a racial slur. Was that in your presence?

12 A. It was in my presence.

13 Q. Was it directed towards you?

14 A. Well, he was speaking to another person about me.
15 My name was mentioned to another person. Called me a
16 nigger. Referred to me as a nigger.

17 Q. You overheard him?

18 A. I -- oh, I heard him. Overheard him.

19 Q. Do you know whether he had any involvement
20 in the -- I think it's 2007 -- incident with the guns
21 and the safe at your house?

22 A. I don't know if he had direct involvement.
23 So, I don't want to guess -- guess about it.

24 Q. Well, do you have any reason to believe
25 that he had any involvement at all?

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1 A. The final score was eighty-three percent.

2 The raw score was seventy-six percent.

3 Q. Did that score qualify you to get placed on a
4 list for --

5 A. It --

6 Q. -- promotion?

7 A. I did. The list number was 510.

8 Q. What does that mean, list number?

9 A. Out of all candidates that made the list,
10 I'm number 510, based on my score.

11 Q. Is that list still current --

12 A. It's --

13 Q. -- from 2011?

14 A. -- it's still current.

15 Q. Prior to 2011, when was the last time before that
16 that you had taken the exam?

17 A. The predeceasing (sic) exam, I believe, was 2008
18 or 2009.

19 Q. Do you know what your score was then?

20 A. Also, seventy-six percent raw score. The
21 final adjusted score was eighty-three. Same exact score.
22 But my list number was different.

23 Q. What was your list number?

24 A. 244 on that one.

25 Q. So, for the list number, does that mean that

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1 there are 243 people who are on the list ahead of you?

2 A. That's correct.

3 Q. What function does the list have in terms of
4 priority as far as getting promoted or getting called off
5 of the list?

6 A. Well --

7 Q. How does that work?

8 A. -- the lower your list number, the sooner
9 you're called, generally.

10 Q. When you say called, what does that mean?

11 A. When they get to your number is when you're
12 eligible to be promoted.

13 Q. Do you know how often they call people off the
14 list? Or how many people --

15 A. Sometimes --

16 Q. -- every time are called off the list?

17 A. It --

18 Q. Or anything about --

19 A. -- it --

20 Q. -- that?

21 A. -- it varies. It varies. Sometimes it could be
22 as often as once per month. The numbers that are taken in
23 each group varies. It could be from thirty to, maybe,
24 seventy. So, it varies.

25 Q. Prior to 2008 or 2009, was there another exam

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1 two officers that you've already mentioned -- Wheeler and
2 Aboomalla -- do you have any other evidence, as you sit
3 here today, that the reason why you were not promoted
4 is because of your race?

5 A. No.

6 But I'll say this. Even if it's not just because
7 of my race, it's because they have a personal problem
8 with me.

9 And what happens is this, as I mentioned earlier
10 -- and I'll mention it -- and I'll reiterate it again --
11 whether it's because they don't like me because of where
12 I live, the way I live, the car I drive, the way I dress,
13 they have a problem with me. And it's bias.

14 Now, exactly what the bias is -- whether it's
15 more than one bias -- it might be several biases --
16 but it's bias.

17 I don't believe that it's on its own merit.
18 There's nothing that I've done within my job description,
19 or on a off-duty, that would prevent me from being
20 promoted.

21 So, because that's the case, it's obviously
22 something biased. So, if it's not directly my race --
23 it might be -- be something else. But they don't like me.
24 And their dislike towards me is why they're doing this
25 to me.

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1 I mean I've extended my career, whereas I'm in my
2 twenty-seventh year of employment next month. I don't know
3 when Mother Nature and Father Time are going to snatch
4 anything from me where I won't be able to function
5 and do what I do.

6 I've been on patrol more than ninety-five percent
7 of my career. I've been in two shootings in the
8 46th Precinct. I'm on patrol, whereas I'm -- I'm,
9 you know, in a hazardous, very busy, dangerous precinct.
10 One of the most dangerous in the City, you know. So, I
11 mean, you know, I'm risking a lot. And I'm not getting
12 any younger.

13 Q. Are you currently eligible for retirement?

14 A. I've -- I've been eligible the seven years.

15 Q. Why haven't you retired?

16 A. Because I love what I do. And not only that,
17 the reason why I prepared myself, and spent money to take
18 these courses to prepare myself for these exams,
19 because I love what I do.

20 And it's long been since that I should have
21 moved on to do other things, to share my expertise,
22 my knowledge, what I've witnessed, what I've done,
23 with other people. I'm just as suitable to be a supervisor
24 as any, and more suitable than most.

25 And I feel that I'm wrongfully being held back

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1 due to a fact that people dislike me, for whatever the
2 exact reason is. I have speculation as to what I believe
3 it is. But, you know, at -- at any rate, it's a reason.
4 It's not for nothing. And there's no viable reason.
5 That's the problem here.

6 Q. So, you said, no, you haven't -- no counseling,
7 therapy --

8 A. No.

9 Q. -- doctor, anything like that?

10 A. No.

11 Q. Have you ever been treated by a psychologist
12 or a psychiatrist before?

13 A. Never treated.

14 But I had to go before him with the shootings.

15 And then another time when -- after my father
16 had passed, they -- the department removed my guns
17 unofficially. And they made me go before the
18 department psychologist to have him reinstate --
19 medically, which he did immediately -- give a --
20 a written document to have my guns returned to me.
21 Have me reinstated.

22 Q. When were your guns removed?

23 A. After this incident happened in -- what was it?
24 -- 2007.

25 Q. What incident?

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